

libels. On February 26, 1934, the cases came on for trial before the court and a jury. After the submission of evidence and arguments of counsel the court instructed the jury, which retired and after due deliberation returned a general verdict in favor of the Government. On March 8, 1934, the claimant filed a motion for a new trial, which motion was subsequently argued, and overruled on March 31, 1934. On April 10, 1934, judgments of condemnation and forfeiture were entered, and the court ordered that the product be destroyed by the United States marshal and that the Government recover costs from the claimant.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22377. Adulteration of tomato catsup. U. S. v. Smith Canning Co. Plea of guilty. Fine, \$26. (F. & D. no. 29457. I. S. nos. 17328, 37005.)**

This case was based on interstate shipments of tomato catsup that contained excessive mold.

On May 22, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Smith Canning Co., a corporation, Clearfield, Utah, alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 19 and October 22, 1931, from the State of Utah into the State of Texas, of a quantity of tomato catsup that was adulterated. A portion of the article was labeled in part: (Can) "Victor Brand Standard Tomato Catsup \* \* \* Packed \* \* \* Smith Canning Co. of Clearfield, Utah." The remainder was labeled in part: (Bottle) "Dinnerette Brand Tomato Catsup \* \* \* Packed by Smith Canning Co. Clearfield, Utah."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance.

On June 1, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$26.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22378. Adulteration and misbranding of Alfalfa Leaf Meal and misbranding of Egg-O-Milk. U. S. v. G. Fred Obrecht (P. Fred'k Obrecht & Son). Plea of nolo contendere. Judgment of guilty. Fine, \$30. (F. & D. no. 29503. I. S. nos. 19227, 29767.)**

This case was based on an interstate shipment of two lots of feed described as alfalfa leaf meal and Egg-O-Milk. Examination showed that the former was not alfalfa leaf meal and contained less protein and fat and more fiber than declared; and that the latter was not a perfect food made largely from egg and milk as claimed, also that it contained less protein than declared.

On September 20, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against G. Fred Obrecht, trading as P. Fred'k Obrecht & Son, Baltimore, Md., alleging shipment by said defendant, on or about December 1, 1931, from the State of Maryland into the State of Delaware, of a quantity of alleged alfalfa leaf meal which was adulterated and misbranded, and of a quantity of Egg-O-Milk which was misbranded. The articles were labeled in part: "Alfalfa Leaf Meal Protein 20%, Fat 2½% Fibre 18% Manufactured For Hood Mills Co. Hood Mills, Md."; "Egg Yolk Milk Malt Flour Combined in a Truly Great Discovery Called—Egg-O-Milk The Perfect Food \* \* \* Protein 18% Prepared by Egg-O-Milk Company Distributed by P. Fred'k Obrecht & Son, Baltimore, Md."

It was alleged in the information that the alfalfa leaf meal was adulterated in that a substance, namely, a meal other than alfalfa meal, deficient in protein and fat and containing excessive fiber, had been substituted for the article.

Misbranding of the alfalfa leaf meal was alleged for the reason that the statements, "Alfalfa Leaf Meal Protein 20%, Fat 2½% Fibre 18%", borne on the tag attached to the sacks containing the article, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not alfalfa meal, and contained less than 20 percent of protein, less than 2½ percent of fat, and more than 18 percent of fiber. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, alfalfa leaf meal. Misbranding of the Egg-O-Milk was alleged for the reason that the statements, "Egg-O-Milk The Perfect Food, \* \* \* Protein 18%", borne on the tags